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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Oretech, Inc. f/k/a the Tantivity Group,)	No. CIV 04-0145-PHX-MHM
Plaintiff,)	ORDER
vs.)	
Pacific Rocky Mountain, Inc., et al.,)	
Defendants.)	

At a hearing on December 12, 2005, the Court denied the stipulation to withdraw as counsel for Plaintiff Oretech, Inc. (Doc. 46 & 48). The Court denied the stipulation to withdraw because a substitution of counsel had not been filed. Plaintiff's counsel indicated at that hearing that Plaintiff Oretech, Inc., was in the process of seeking new counsel. No substitution of counsel has been filed since the date of the hearing. Plaintiff's counsel has filed a renewed motion to withdraw, stating that counsel should not be required to continue to represent Plaintiff Oretech, Inc. while Plaintiff seeks new counsel. (Doc. 49). Plaintiff's counsel has cited Mohr, Hackett, etc v. Superior Court of the State of Arizona, etc., 745 P.2d 208 (Ariz.App. 1987), which held that the rule against corporate self-representation does not permit a blanket prohibition against the withdrawal of counsel solely on the basis of the client's status as a corporation. The Arizona Court of Appeals noted that some courts

1 either direct the corporation to obtain counsel during a specific period of time or stay the
2 action while the corporate party obtains new counsel.

3 In this case, the first stipulation to withdraw was signed by corporate representative
4 Mr. H. Stephen Shehane and provided Mr. Shehane's address and telephone number. The
5 stipulation therefore complied with LRCiv 83.3(b)(1). Another corporate representative, Mr.
6 Robert Rath, appeared by telephone at the December 12th hearing. The renewed motion to
7 withdraw as counsel for Plaintiff (Doc. 49) is granted.

8 "It is a longstanding rule that '[c]orporations and other unincorporated associations
9 must appear in court through an attorney.'" D-Beam Limited Partnership v. Roller Derby
10 Skates, Inc., 366 F.3d 972, 973-74 (9th Cir. 2004)(quoted citation omitted). Plaintiff Orectech,
11 Inc., shall have 14 days to obtain counsel in this action. The Law Firm of Ellis & Venable,
12 P.C., shall provide a copy of this Order to the appropriate representative of the corporate
13 Plaintiff. The Clerk of Court shall provide a copy of this Order to Mr. H. Stephen Shehane,
14 c/o Orectech, Inc., P.O. Box 1735, Columbus, Georgia 31902-1735.

15 **Accordingly,**

16 **IT IS ORDERED** that the motion to withdraw as counsel for Plaintiff (Doc. 49) is
17 granted. The Law Firm of Ellis & Venable, P.C., shall be permitted to withdraw as counsel
18 for Plaintiff.

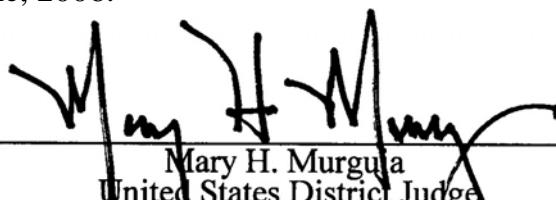
19 **IT IS FURTHER ORDERED** that Plaintiff Orectech, Inc., shall have 14 days from
20 the filing date of this Order to obtain counsel..

21 **IT IS FURTHER ORDERED** that The Law Firm of Ellis & Venable, P.C., shall
22 provide a copy of this Order to the appropriate representative of the corporate Plaintiff.

23 **IT IS FURTHER ORDERED** that the Clerk of Court is directed to provide a copy
24 of this Order to Mr. H. Stephen Shehane, c/o Orectech, Inc., P.O. Box 1735, Columbus,
25 Georgia 31902-1735.

26 DATED this 7th day of June, 2006.

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Mary H. Murgula
United States District Judge